

Message Text

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DRAFTED BY: L/ OA: HDCAMITTA

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FM SECSTATE WASHDC

TO USINT CAIRO

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FOLL SENT ACTION SECSTATE FROM USUN 04 APR 73 REPEATED TO YOU QUOTE

UNCLAS USUN 1179

E. O. 11652: NA

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SUBJ: LOS: SUBCOMMITTEE II, APRIL 3

1. SUMMARY. EGYPT ATTACKED US STRAITS PROPOSAL AND SAID US ACTIONS VIOLATE UN CHARTER. US SAID REGRETTED TONE OF STATEMENT AND INTERJECTION OF EXTRANEIOUS ISSUES INTO LOS DEBATE AND RESERVED RIGHT OF REPLY. MEXICO MADE STATEMENT EXPLAINING ARTICLES BASED ON SANTO DOMINGO DECLARATION. SEVERAL OTHER DELEGATIONS MADE STATEMENTS. END SUMMARY.

2. EGYPT SAID WOULD STUDY DRAFT ARTICLES ON NAVIGATION AND POINTED OUT THAT GREECE, MAJOR MARITIME POWER, WAS CO- SPONSOR. ATTACKED US STATEMENTS ON STRAITS IN AUGUST 1972 AND MARCH 1973. SAID US SHOULD EXTEND RIGHTS TO OTHER
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STATES TO PROTECT THEIR NATIONAL SECURITY AND SHOULD NOT THREATEN OR COERCE STATES. SAID US SHOULD CLARIFY HOW ITS CONCEPTS OF SECURITY COULD BE SQUARED WITH CONCEPTS IN UN CHARTER AND CHARGED US WITH VIOLATING CHARTER IN MANY AREAS. POINTED OUT THAT SOME US ALLIES ACCEPT INNOCENT PASSAGE IN STRAITS ALTHOUGH US SAYS FREE TRANSIT NEEDED FOR SECURITY OF THOSE ALLIES. SAID US AVOIDED REAL ISSUE WHICH IS WHETHER COASTAL STATE SHALL BE REQUIRED TO ALLOW FREE PASSAGE OF MILITARY VESSELS WHICH WOULD JEOPARDIZE THEIR SECURITY. SAID US SHOULD NOT CONFUSE QUESTIONS OF MERCHANT VESSELS AND WARSHIPS. FINALLY, REP SAID US WANTS AUTHORITY TO UNDERTAKE ACTS IN STRAITS THAT ARE NOT INNOCENT.

3. AT END OF MEETING, US SAID REGRETTE TONE OF STATEMENT BY EGYPT AND REGRETTE INTERJECTION OF EXTRANEIOUS ISSUES INTO LOS DEBATES. US RESERVED RIGHT OF REPLY.

4. EGYPT INTERVENED AND SAID HE WAS NOT HERE TO PLEASE US REP BUT ONLY TO DEFEND HIS NATION'S INTERESTS. HE RESERVED HIS RIGHT OF REPLY.

5. U. K. SAID NAVIGATION THROUGH STRAITS IS SEPARATE PROBLEM FROM NAVIGATION IN TERRITORIAL SEA. REITERATED SUPPORT FOR 12- MILE MAXIMUM BREADTH FOR TERRITORIAL SEA. SAID STRAITS NEED SPECIAL PROVISIONS WITH INTERNATIONAL STANDARDS TO PROTECT NAVIGATION INTERESTS. SAID APPRECIATED US PROPOSAL ON STRAITS LAST SUMMER BUT RESERVED ON NECESSITY OF STRICT LIABILITY FOR DAMAGE CAUSED BY VESSELS VIOLATING INTERNATIONAL STANDARDS IN STRAITS. UK REP REPLIED TO THREE POINTS RAISED BY TANZANIA ON US PROPOSAL AS FOLLOWS. US PROPOSED COMPULSORY TRAFFIC SEPARATION SCHEMES WHEREVER SUCH SCHEMES APPLICABLE, NOT JUST IN STRAITS. SECOND, IMCO HAS MADE SCHEMES COMPULSORY WHEN NEW COLLISION REGULATIONS COME INTO EFFECT. THIRD, ICAO REGULATIONS SHOULD APPLY TO OVERFLIGHT OF STRAITS SINCE TERRITORIAL SEA BEING EXTENDED AND MUST PROTECT OVERFLIGHT.

6. FRANCE SAID NAVIGATION ARTICLES INTRODUCED WERE NOT ADEQUATE BASIS FOR NEGOTIATION AND SAID PROBLEMS OF NAVIGATION IN TERRITORIAL SEA GENERALLY AND IN STRAITS SHOULD BE CONSIDERED SEPARATELY.
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7. PERU NOTED NAVIGATION ARTICLES GENERALLY IN LINE WITH PERU POSITION. SAID PEACE AND SECURITY DESIRES OFTEN USED AS COVER FOR INDIVIDUAL STATE DESIRES AND GENERALLY AGREED WITH EGYPT.

8. MEXICO MADE LENGTHY STATEMENT ON ARTICLES BASED ON SANTO DOMINGO DECLARATION. STRESSED LIMITED RIGHT OF COASTAL STATES IN PATRIMONIAL SEA AND NOTED LITTLE PRESENT INTEREST IN EXTENSION OF TERRITORIAL SEA BEYOND 12 MILES. NOTED THAT MAY BE SITUATIONS ALLOWING MORE THAN 12 MILE TERRITORIAL SEA BY AGREEMENT BETWEEN CONCERNED STATES. COASTAL STATE CANNOT IMPOSE ARBITRARY RESTRICTIONS ON OTHERS IN PATRIMONIAL SEA. ON SCIENTIFIC RESEARCH, NOTED RIGHT WAS LIMITED TO REGULATION BY COASTAL STATE AND NOT INTENDED TO BE RIGHT TO PROHIBIT. STATED THAT REGIONAL AGREEMENTS ON LAW OF SEA MUST BE BINDING ON ALL STATES, NOT JUST PARTIES TO REGIONAL AGREEMENT.

9. ROMANIA SAID MUST CONSIDER LAND- LOCKED NATIONS' RIGHTS WHEN DECIDING COASTAL STATE ECONOMIC RIGHTS. FAVORED FREE PASSAGE FOR COMMERCIAL VESSELS THROUGH STRAITS.

10. ITALY SAID FISHING RIGHTS BEYOND 12 MILE TERRITORIAL SEA SHOULD BE BASED ON FOLLOWING:

(A) INTERNATIONAL REGULATION IN FRAMEWORK OF REGIONAL INTERNATIONAL ORGANIZATIONS WITH PARTICIPATION BY ALL INTERESTED STATES:

(B) EQUAL SHARING OF BURDEN OF FISHERIES RESEARCH BY ALL INTERESTED STATES;

(C) SHARING OF SUSTAINABLE YIELD, GENERALLY IN LINE WITH EXISTING SHARES WITH GRADUAL ADJUSTMENT TO FAVOR DEVELOPING COUNTRIES ;

(D) MIGRATORY SPECIES REGULATED BY INTERNATIONAL ORGANIZATION;

(E) INTERNATIONAL MEASURES TO ENFORCE AND TO PROVIDE DISPUTE SETTLEMENT;
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(F) INTERNATIONAL COMMUNITY TO PROMOTE IMPROVEMENT OF DEVELOPING COUNTRY FISHING CAPABILITY.

11. NETHERLANDS SAID ALL INTERESTS MUST BE ACCOMMODATED

AND SHOULD CONSIDER MIXED INTERNATIONAL AND NATIONAL
SYSTEMS.

12. TURKEY DISCUSSED QUESTIONS OF TERRITORIAL SEA
DELIMITATION BETWEEN ADJACENT AND OPPOSITE
STATES.

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